REMARKS

In the Office Action, the Examiner reopened prosecution after filing of the appeal brief in the appeal of the final rejection of May 29, 2007, and made the first action in the reopened prosecution final, objected to the specification, rejected claims 10 and 11 under section 101, rejected claims 1, 9, 10 and 11 as anticipated by Evans et al. U.S. Patent 7,213,054 B2, rejected claims 2 – 5, 7 and 8 as obvious over Evans et al. in view of Dutcher U.S. Patent 6,021,496 A1, and rejected claim 6 as obvious over Evans et al. in view of Win U.S. Patent 5,161,139 A1.

Personal Interview

Applicants note with appreciation the courtesies extended to Applicants' representative, Melvin Robinson, during a personal interview in a conference room of the US Patent and Trademark Office on July 29, 2008. The issues raised in the action were discussed. The disclosed invention was compared to the Evans reference and claim changes were discussed to overcome the Evans reference. The Examiner was helpful in suggesting language to overcome the rejections.

Specification Objection

The specification provides support for the claimed invention. Paragraph [0085] discloses:

> [0085] The present invention may be described in terms of functional block components and various processing steps. Such functional blocks may be realized by any number of hardware and/or software components configured to perform the specified functions. For example, the present invention may employ various integrated circuit components, e.g., memory elements, processing elements, logic elements, look-up tables, and the like, which may carry out a variety of functions under the control of one or more microprocessors or other control devices. Similarly, where the elements of the present invention are implemented using software programming or software elements the invention may be implemented with any programming or scripting language such as C, C++, Java, assembler, or the like, with the various algorithms being implemented with any combination of data structures, objects, processes, routines or other programming elements. Furthermore, the present invention could employ any number of

conventional techniques for electronics configuration, signal processing and/or control, data processing and the like.

Thus, the claimed memory and storage media finds antecedent basis in the specification.

35 USC §101

The memory in claim 10 has been amended to claim a data storage media as suggested by the Examiner at the interview. The phrase "computer-readable" has been removed from claim 11 per the Examiner's suggestion. Applicants submit that the rejection is overcome.

35 USC §102(e)

The present invention distinguishes over the cited art of Evans. Evans does not disclose that different user's work with the same instance of an application nor does Evans disclose that data is shared across user sessions. The present invention provides that the application session and/or the data are shared between the different users. It is thereby possible for medical personnel working on a workstation or terminal to care for a patient can work with that patient's information and with the same application, for example.

The inventors commented that they considered and rejected the switching of functionality provided by prior programs, because each user has its own application instance running while the user's own data is loaded. There is no sharing of the application instances and no sharing of the application data across user sessions. By contrast, with the present development, the same application instance and the same data are maintained, so that it is possible to switch users very fast. The second user can continue at the same position in the data where the first user was in the processing. There is no need to restart an application session and, if the second user has the correct access rights, second user has access to the data loaded for the first user so that the data need not be reloaded

The Evans reference provides that the applications are notified on the user switch, while embodiments of the present invention provide that the application is notified of a user switch and provided the possibility to deny access to data. The Evans reference provides that users are notified that the application is running in another user session, whereas here the users

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share the same session. There is no restriction on a second user using an application that is being used by the first user. The only restriction is whether the data is left loaded or not depending on the access rights of the respective users.

The specification provides at paragraph [0017], "[d]ata as well as the overall application context is retained. By retaining the current status, different users can work with the same data in the same application context in quick succession. At the same time, the re-authentication when users are switched guarantees that the user always has enough access rights to continue working with the same data."

As provided in paragraph [0015], "[o]n one hand, this allows users to switch quickly because the time that was required for restarting the application or the system is saved and on the other hand, the new user will be able to continue to use all of the data that is being temporarily stored such as the current patient data or the current constellation of the application or applications, since this will not be lost in the restart."

In paragraph [0042], "[t]he respective user entry can also activate the user switch instance 77 so that the current user is logged out, but all temporary data will remain available on the user interface 81. This possibility makes sense if the new user is to continue working with the currently displayed data in the current status of the application programs 71, 73. This type of switch allows the authorization of access rights to remain the same while the identity of the user is changed."

The term "instance" can be applied either to an application or to data and so has been used in the claim to clearly and definitely claim the invention. The specification uses the term "instance" throughout to refer to a single running or a single occurrence of the authentication or the screen saver. The term "instance" is supported in the specification. The specification refers to an application "context" at paragraph [0040] and that the current data remains available at [0042]. The specification also refers to a constellation of applications at paragraph [0015]. If the Examiner finds that one of these terms, or some other term, would better describe the claimed invention, the Examiner is respectfully requested to contact the undersigned to discuss claim changes in this regard.

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The claims have been amended to claim the distinguishing features of the invention. The rejection is thereby overcome.

35 USC §103(a)

The references combined with the Evans reference do not show the sharing of the application and/or data that distinguishes the invention over Evans, and thus the combination of art does not obviate the claimed invention. The claims are therefore non-obvious over the cited art.
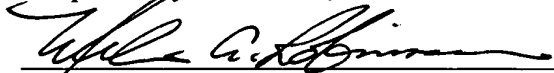
Conclusion

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the forgoing.

Deposit Account Information

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,

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